

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Misc.No.47566-M of 2006

DATE OF DECISION: NOVEMBER 3, 2006

Sudhir Kumar

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Yogesh Goel, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.
Mr.Satinder Khanna, Advocate,
for respondent No.2.

...

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing the impugned order dated 28.7.2006 passed by the trial Court with a further prayer to restore the bail bonds of the petitioner which have been cancelled on account of non-appearance of the petitioner in a complaint filed under Sections 193/195/200/209/211/463/465/471/120-B IPC.

I have heard the counsel for the parties.

Counsel for the petitioner contends that in terms of the interim order dated August 11, 2006, the petitioner had appeared before the trial Court and furnished his regular bail bonds which have been accepted and attested and since then he is regularly appearing. Counsel further contends that the petitioner is facing the trial since 2004 and on each and every date of hearing, he had appeared before the trial Court and never misused the concession of anticipatory bail, but only on one date, i.e., July 28, 2006, he

could not appear before the trial Court as he had to go to Uttar Pradesh in connection with the death of a relative and, therefore, he moved an application for exemption from personal appearance. The said application was dismissed and bail bonds of the petitioner were cancelled and he has been summoned through non-bailable warrants.

After hearing the counsel for the parties and in view of the facts and circumstances of the case, I am of the opinion that the trial Court was not justified in dismissing the application of the petitioner for exemption from personal appearance and cancelling his bail bonds and summoning him through non-bailable warrants. Since the petitioner has already appeared before the trial Court in terms of the interim order dated August 11, 2006 and furnished his fresh bail bonds, therefore, the said order is made absolute and the impugned order dated July 28, 2006, whereby the bail bonds of the petitioner were cancelled and he has been summoned through non-bailable warrants, is set aside.

Disposed of.

November 3, 2006
vkg

(SATISH KUMAR MITTAL)
JUDGE